

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/121,300	07/23/98	KANIA	11/25/98-00

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EXAMINER

WILLIS, D.

ART UNIT

3738

PAPER NUMBER

11/09/98

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/121,300

Applicant(s)
KANIA

Examiner
Dave Willse

Group Art Unit
3738



☒ Responsive to communication(s) filed on Sep 2, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 21-52 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 21-52 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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In view of the papers filed September 2, 1998, the inventorship in this non-provisional application has been changed by the deletion of Robert E. Arbogast, James W. Capper, and James M. Colvin.

The abstract of the disclosure is objected to because it should be more descriptive of the subject matter covered by the technical disclosure (MPEP § 608.01(b)).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 25, and 29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lerman, US 4,635,626, which discloses a fabric 38 or 56 in the shape of a tube sock and coated on only one side thereof with a polymeric material 32 or 52. In regard to claim 29: column 5, lines 31-33; etc.

Claims 22-24, 26-28, and 30-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lerman, US 4,635,626. In regard to claims 22-24, both thermoplastic elastomers and

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thermoset silicones are commonly used in the art and would have been obvious material choices because they can be fabricated in a form which satisfies the properties set forth in column 5, lines 19-20. In regard to claim 33 and others, a blend of nylon and spandex would have been obvious from the stretchability of the fabric (column 5, lines 27-29; etc.). In regard to claim 37 and others, a Shore A durometer within the range of 1-20 would have been obvious because such values are well known in the art for stump socks and liners.

Claims 21-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caspers, US 5,571,208. In regard to claim 21, to bind the sheath 200 to the liner 90 would have been obvious in order to simplify the donning procedure described in column 10, line 59 et seq. Regarding claim 33 and others, a blend of nylon and spandex would have been obvious from column 10, lines 53 and 64-65; column 11, line 63; etc. Regarding claim 49 and others, a recessed area towards the open end of the covering would have been obvious from the discussions in column 6, lines 33-39 and lines 56-67, and column 7, lines 1-2.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Attention is directed to the drawings of US 5,728,167 and EP 0 086 147 A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse, whose telephone number is (703) 308-2903. The supervisory patent examiner is Mickey Yu, whose telephone number is (703) 308-2672. The receptionist's phone number is (703) 308-0858, and the main FAX numbers are (703) 305-3591, 3590.

dhw: D. Willse
November 5, 1998


DAVID H. WILLSE
PRIMARY EXAMINER
ART UNIT 3738